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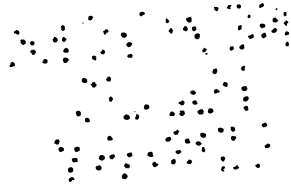

MUNICIPAL LONDON

I

THE GROWTH OF LONDON GOVERNMENT

It is a remarkable fact that London should be the last place in Great Britain and Ireland to receive a coherent system of representative local government. The Municipal Corporations Act of 1835 applied to all municipalities of importance in England and Wales except that of London, which was expressly excluded; and to all alike it gave a directly representative character.

The Local Government Act of 1888 substituted popularly elected County Councils for the old non-representative Courts of Quarter Sessions in all the counties of England and Wales. The Local Government (Scotland) Act of the following year conferred similar institu-

tions upon the whole of Scotland. The Local Government Act of 1894 gave, again, directly elected District and Parish Councils to every part of England and Wales, and later in the same year the Local Government (Scotland) Act extended the same principle of local government to Scotland.

In London, on the other hand, up to this year large districts have still remained without a directly elected local municipal authority. And where in the remainder of London elected local authorities have existed, those bodies have continued to bear the misleading and somewhat dyslogistic name of Vestry. In truth, the development of local government in London has been curiously slow and casual. Till four years after the Great Exhibition of 1851—*i.e.*, till Sir Benjamin Hall's Metropolis Local Management Act of 1855—the local institutions under which London (outside the City) was governed were of a rural rather than an urban type. Mr. Balfour, in his speech in introducing the London Government Bill in 1899, said that down to 1855 'Parliament had made no organized attempt to confer an urban organization upon this great Metropolitan area.

At that time London was, and for more than two centuries had been, the largest city in Europe, and yet before then the organization of London, if it can be called organization, was in the main left to a series of local Bills, passed very much at haphazard, and, apart from these local Bills, was dependent upon the common law organization of the Vestries, which was the same for the most thinly-populated parish in the moors of Yorkshire as it was for the crowded streets of the Metropolis of the Empire.'

Sir Benjamin Hall, when he moved the first reading of the Metropolis Local Management Act in the House of Commons in 1855, gave a most interesting description of what the then existing organization was. This description has happily been rescued from Hansard and made accessible to ordinary readers. For in 'London in the Reign of Victoria,' by Mr. Laurence Gomme, the statistical officer of the London County Council, copious quotations are made from this speech.

There were then in force about 250 local Acts, besides the public general statutes. These were enforced by some 300 separate ad-

ministrative bodies. One hundred and thirty-seven of these bodies had made a return of their members, which amounted to a total of 4,738 persons. If the remaining bodies had the same average membership, they would produce 5,710 more administrators. So that at that time the local affairs of London were administered by no less than 10,448 persons. To illustrate the constitution of the Vestries of those days, in the Liberty of the Rolls it was composed of the 'ancient inhabitants'—that is, of those who had served the office of overseer. In St. Botolph Without, Aldgate, it was composed of persons who had served all the parochial offices—viz., of head borough constables, churchwardens, and overseers. How far these bodies were representative will be gathered from these facts. In Paddington 607 ratepayers, or one-seventh of the whole number, had 3,642 votes for the Vestry—that is, a larger number than the total possessed by the other 3,582 ratepayers of the same parish. The Vestrymen thus elected appointed a committee of eighteen to manage the affairs of the parish; their decision might be overruled by the *ex-officio* members, amounting to nearly

forty. Every resident peer, Privy Councillor, and Member of Parliament, every judge and every magistrate, was an *ex-officio* member of the governing body of the parish; and besides these, the Connaught Trustees appointed a Vestryman, and the Grand Junction Canal Company another. There was this peculiarity about the constitution of the Vestry: 'no innkeeper could be elected.' Nor was the constitution or composition of the body which dealt with matters affecting London as a whole more satisfactory. The Metropolitan Commission of Sewers was, as Mr. Balfour says, the germ of central institutions. This body had divided London into seven separate districts, with a distinct Commission for each. These seven Commissions were composed of 1,065 Commissioners, exclusive of the Directors of the St. Katherine's Docks Company. 'Amongst the names of the Commissioners were the Duke of Wellington, the Lord Chancellor, the Prime Minister, and other noblemen and gentlemen who could not attend to such matters.'

Yet even in this unorganized state of local institutions which existed in London before

1855 it will be observed that there were in some sort central and local bodies. Mr. Balfour emphasized this fact in his speech in introducing the London Government Bill on February 23, 1899. 'Though,' he said, 'it is true that there was no organized attempt to provide government for London, nevertheless, in the inchoate condition of things which existed before 1855 the very necessities of the case had brought into being the germs of two institutions, two sets of institutions, two kinds of institutions, which are, I think, necessary to the government of London, and certainly find their place in every organized attempt to govern London, and which, I think, must always be an essential part of the government of London.' It is this essential duality in the institutions of London government which the Progressives have laboured hard to disregard. 'There was,' Mr. Balfour proceeded, 'some kind of central authority dealing with matters common to the whole of the Metropolis, and there was some kind of local authority dealing with matters which could not with advantage or propriety be confided to the care of any central body which had so vast an area under

its control. The central body before 1855 was the Commissioners of Sewers, and the local authorities were the products of the various local Acts.'

As we have seen, the local government which they at present enjoy was given to provincial towns in 1835. Although the Commissioners on whose report the Municipal Corporations Act was based issued a special report dealing with London, no notice was taken of it, and no legislation followed upon it. No step in advance was taken till in 1853 a Royal Commission, composed of Mr. Henry Labouchere, Sir George Cornwall Lewis, and Sir John Patterson, was appointed by Lord Aberdeen's Government to inquire specially into the affairs of the City Corporation. They presented their Report in 1854. Beyond suggestions for the reform of the Corporation, they dwelt upon the general government of the Metropolis, and advised that the seven Parliamentary boroughs into which it was divided should be created municipal boroughs, and, in the second place, that a central Board of Works should be combined with them, and be composed of members elected by each municipality. Their criticisms

upon the proposal to create one municipality for the whole of London are so relevant to present conditions that they may be quoted at some length. They observe (p. 14 of the Report): 'If the procedure of the Legislature in the Municipal Corporations Act were taken as a precedent, absolutely and without discrimination, in reforming the London Corporation, it would be necessary not only to alter its constitution, but to advance the present boundaries of the City until they surrounded the entire Metropolis—a process by which an area of 723 acres would be converted into an area of 78,029 acres, by which a population of 129,128 would be converted into a population of 2,362,236, and an assessment of £953,110 would be converted into an assessment of £9,964,348. A change of this magnitude would not only alter the whole character of the City Corporation, but it would, as it seems to us, defeat the main purpose of municipal institutions. London, taken in its full extent, is (as it has with literal truth been called) a province covered with houses. Its diameter from north to south and from east to west is so great that the persons living at its furthest extremities have few in-

terests in common; its area is so large that each inhabitant is in general acquainted only with his own quarter, and has no minute knowledge of other parts of the town. Hence the two first conditions for municipal government, minute knowledge and community of interests, would be wanting if the whole of London were, by an extension of the present boundaries of the City, placed under a single municipal corporation. The enormous numbers of the population,* and the vast magnitude of the interests which would be under the care of the municipal body, would likewise render its administration a work of great difficulty. It may be added that the bisection of London by the Thames furnishes an additional reason for not placing the whole town under a single municipal corporation. . . . These considerations appear to us decisive against the expediency of placing the whole of the Metropolis under a single municipal corporation, without adverting to those more general questions of public policy which naturally suggest themselves in connection with the subject.'

Lord Palmerston's Government was in power

* The population of London was then 2,500,000.

when this Report was published, and it decided to introduce legislation in accordance with its spirit and main purpose. The Metropolis Local Management Act of 1855, introduced by Sir Benjamin Hall, did not indeed create the seven municipalities, nor did it touch the City Corporation. But taking the Metropolitan district of the Registrar-General as that of the future London, it fixed upon the seventy-eight parishes in that area as the units for local administration. Under Schedule A it constituted the reformed Vestries of twenty-three of the larger of these parishes Administrative Vestries. These were directly elected. Secondly, under Schedule B it grouped the remaining fifty-five Vestries of the smaller parishes into fifteen District Boards of Works, and provided that each of the component Vestries should, by secondary election, send its representatives to the District Board, which should become the local authority for each such group of parishes, and exercise the same powers as the Administrative Vestries in Schedule A. One district, Woolwich, had its local Board of Health in lieu of a Vestry or District Board of Works. The Vestrymen were to be elected by persons whose names

had been on the rate-book of the parish for one year prior to the election.

So much for the new local authorities. With regard to central government, this Act created the Metropolitan Board of Works, composed of representatives sent to it by each Administrative Vestry and District Board of Works. To this body it consigned the control and management of all matters common to the whole of London. Mr. Balfour, in the speech from which we have already quoted, thus described this important change:

'The heir-at-law of the Commissioners of Sewers was the Metropolitan Board of Works, and in place of those bodies constituted by the various local Acts were established Administrative Vestries, or groups of parishes forming District Boards, which had conferred upon them the same powers which the Administrative Vestries were endowed with. So that after 1855 the constitution of London was of this kind. There were Administrative Vestries, of which the governing bodies were directly elected; there were groups of parishes, of which the governing bodies were indirectly elected; and there was the Metropolitan Board

of Works, itself the product of double election, in so far as it was elected by the Administrative Vestries; and of treble election, in so far as it was elected by the District Boards.'

The new system created by the Act of 1855 was a vast improvement upon the chaotic state of things that had existed before that date, and it had a long life. With respect to the central authority, this is the system under which London was governed till 1888. And with respect to the local authorities, with the exception of some changes in franchise, mode of election, etc., which were made in 1894, it is the system which still regulates our local affairs, and which will do so until November next. And yet through all this time, though no effective attempt was made to further reform London government, there always existed a strong feeling that the institutions created in 1855 could not, and should not, be the final form of London government. Select Committee after Select Committee of the House of Commons made reports on the subject. Radicals were agitating for a reform in order that they might gratify their spite against the City Corporation, and create a new central body that might

subserve their political aims. Conservatives had not these objects in view; but independent and thoughtful Conservatives could not rest altogether satisfied with the spirit or the methods of the Metropolitan Board of Works, or the Vestries. No Government, however, touched the subject till 1884.

In that year Sir William Harcourt, as Home Secretary in Mr. Gladstone's Ministry, introduced a Bill to create one single municipality for the whole Metropolitan area. The Corporation of London was to be completely merged in this body, and the new Corporation was to be composed of 240 representatives elected by the several divisions of London, of which the City was to be one. It was to be endowed with all the powers and duties of the Metropolitan Board of Works, of the Vestries and District Boards, and of the other smaller administrative bodies. Local councils were to be re-created in each district. They were not, however, to enjoy any original or inherent powers, but merely to have such derivative authority as might be delegated to them by the Corporation. This measure naturally excited the warm opposition of the City and of the local authorities. It

had no strong Parliamentary backing; it made no progress in the House of Commons, and was quietly dropped. Without doubt it erred on the side of excessive centralization. It failed to do justice to the desire for a real, separate local life in the several districts of London; it did not sufficiently realize that necessary duality in the institutions of London on which I have already insisted.

But this effort to reform London government did not fail from any conservative conviction that things should remain exactly as they were, and that all was for the best in the best governed of communities. Outside and beyond the Radical desire for a powerful central authority, which should absorb the City, there was much vague, and perhaps unreasonable, dissatisfaction with the Metropolitan Board of Works. The Board, in fact, had the merits and the defects that might be expected from its mode of election and constitution. It was economical; it was business-like; it was not political. It confined its attention strictly to the duties which Parliament had committed to its charge; it executed two large Metropolitan improvements—the system of main drainage

and the Thames Embankments — which will remain enduring monuments to its administrative capacity. On the other hand, it had the defects of these qualities; it was essentially prosaic and uninspiring; its members almost ostentatiously eschewed popularity; their avowed standard and ideal of public service for London was too much that of the typical Vestryman. It gradually incurred the scorn of philanthropists and reformers of all sorts; its defects were exaggerated by Radicals for their own party purposes. In 1887 a financial newspaper gave currency to certain charges which affected the integrity of some of the officials, and possibly some of the members, of the Board. A motion was carried in the House of Commons for the appointment of a Royal Commission 'to inquire and report upon the working of the Metropolitan Board of Works, and into the irregularities which are alleged to have taken place in connection therewith.' And a small quasi-judicial Commission was appointed.

In 1888 Mr. Ritchie, as President of the Local Government Board, introduced the great Act which established elected County Councils

throughout England and Wales. London was treated as a county, and was included in the scope of the Bill. The City Corporation was left untouched; but the Metropolitan Board of Works was abolished, and a directly elected County Council was established in its place. It was composed of two councillors elected by each one of the fifty-eight Parliamentary divisions of the Metropolis, except the City, which returned four members, and of nineteen co-opted Aldermen, so that the London County Council consists of 118 elected, and 19 selected, members.

The central governing institution of London was thus put upon the basis upon which all the provincial County and Borough Councils alike rest. But neither the authors nor the supporters of this legislation pretended that this was a complete settlement of the problem of London Government. It was admitted that the local authorities remained unreformed, and that it was necessary that they should be reformed. In his speech on the first reading of the Bill Mr. Ritchie said: 'We do not, as I said, put this forward as a complete settlement of the great problem of London government.

We have our own proposals to make, and I hope we may be able at some future time to make them. They are on the lines, not of creating separate municipalities throughout London, but of amalgamating within certain defined areas in London the existing Vestries and District Boards, and constructing in London District Councils, having in the various areas in the county District Councils with large and important administrative functions. But we felt that the introduction of such a proposal as that into our Bill would have unduly overloaded it.' That Government, however, never brought forward its 'proposals.' And, in fact, eleven years were to pass before a Government set its hands to the task of making 'a complete settlement of the great problem.'

For the alterations that were made in the Vestry franchise, and in some details of the system of election, by the Local Government Act of 1894, reforms as they were, so far as they went, cannot be regarded as having been more than a casual tinkering with local government in London. In fact, the Bill as originally introduced by the then Mr. Henry Fowler, on behalf of the Gladstonian Government, did not in any

way touch London. It was a Bill to form Rural District and Parish Councils in the country, and Urban District Councils in other districts. And the extension of the Vestry franchise and the other changes in the Vestry system were the work of private members, and carried as amendments in Committee. But this interval of eleven years, in which no serious and comprehensive effort was made to crown the edifice commenced in 1888, is not to be regretted. In that interval informed public opinion in London grew and ripened on the whole subject.

As the years went by the system which allowed one district of London to be governed by a directly elected Vestry, and an adjacent one to be under the rule of a secondarily elected District Board became more indefensibly anomalous. The glaring inequality in the size of the various areas governed by the local authorities became of increasing administrative inconvenience. For the tendency of the legislation of the time was to increase the duties and responsibilities of local government. Sanitary and Housing Acts attracted more and more attention. And in this legislation, and in social

legislation of similar character, this question constantly arose: 'Shall the new duties be thrown upon the County Council, or upon the Local Authorities?' And often, when experts would on every other ground have answered, 'On the local authorities,' they were deterred from so doing by the insignificance and possibly the incompetence of some few of the smallest of these bodies. There might be no doubt that the powers in question would be appropriately and efficiently administered by all the larger and more important Administrative Vestries. But it was felt with fatal force that it would be unwise to entrust the exercise of them to some small and poor Vestry or District Board.

Again, the excessive number of the members of many of the Vestries was a practical evil which called loudly for reform. And yet another practical defect in the system was the multiplication of distinct administrative bodies within the same local area. It was administratively inconvenient that adoptive Acts, such as the Public Libraries, Baths and Workhouses Acts, should be worked by Commissioners, separate and distinct from the vestries. But, apart from and beyond these solid considerations, which

were making for a reform of the local authorities, the creation of the County Council produced a novel revolt against excessive centralization. It was because of the imperiousness of the Council that a growing sentiment developed in favour of adding appreciably to the dignity and importance of the local authorities.

And so it came to pass that when after the lapse of these eleven years Mr. Balfour set his mind to the task of completing the settlement, he came to the conclusion that it was Metropolitan Borough Councils, and not District Councils, that should supersede the Vestries. Let me trace a little more closely the causes that led to this development of feeling in favour of decentralization. The dominating fact must be remembered that the government of London must be dual—that is, it must consist of local authorities as well as of a central authority. It must also be remembered that for the effective working of these dual institutions there must be a certain just equipoise between the two—there must be a proper balance of power and of powers between them. But the effect of the legislation of 1888 was so to exalt and aggrandize the central authority, that the local

authorities became unduly depressed, and relatively to it seemed possessed of insufficient influence and power.

Probably this was to some extent in the very nature of the alteration made in the constitution of the central authority by the Act of 1888. Probably it was inevitable and desirable, that the change from secondary election to direct election should largely increase the actual power and also the moral sense of influence possessed by that body. But the authors of that Act certainly did not anticipate how ambitious and how masterful would be the body which they thus constituted. It soon became plain that the new County Council would be the antithesis of the Metropolitan Board of Works. Quickly it revealed qualities to which its predecessor could lay no claim. It was consumed by zeal, it fostered far-reaching political and social ideals, it was keenly sensitive to popular, and especially to democratic, sentiment.

But, on the other hand, from its birth it has been intensely political. It early began to chafe at being merely an administrative body with limited functions, strictly defined by Parliament. Its admiring organ in the London

press has always described it as 'London's Parliament.' From the very outset of its existence till now the Progressive party has commanded a majority upon it, and with a varying degree of tolerance has monopolized its executive power. The leaders of this party have with perfect openness contended that the Council should absorb the City, and should become the one Corporation for the whole of London. Beyond this in their salad days, before the severe rebuff they received at the elections in March, 1895, they were always working to obtain further powers at the expense and to the detriment of the Local Authorities, whose position they regarded at that time with ill-concealed dislike and suspicion.

When it was known that the Courtney Commission had recommended that 'the status of the Local Authorities shall be enhanced,' a shiver of horror ran through the Progressive ranks, and their organ, the *Daily Chronicle*, naïvely observed that this was 'an awkward incident.'

Ironically enough, the report of this Commission gave marked encouragement to those who were advocating decentralization. This Commission had been appointed by Mr. Glad-

stone's Government at the instance of the Progressive party. Mr. Leonard Courtney was its chairman. The reference to it was mandatory and simple. It was directed 'to consider the proper conditions under which the amalgamation of the City and County of London can be effected, and to make specific and practical proposals for that purpose.' This mandate the Commissioners faithfully discharged. But they did much more: they deliberately travelled outside the limits of their reference, and made some most important recommendations in favour of enhancing the status and increasing the powers of the local authorities. They recommended (paragraph 48) 'that everything possible should be done to maintain the strength, authority, and dignity of the local bodies of London; and that in the partition of functions between the central authority and the local authorities the former should be relieved of all administrative details for which its intervention is not really necessary, and the latter shall be entrusted with every duty they can conveniently discharge. In the case of doubt our inclination would incline to the allotment of duties to local bodies.'

'They think it important' (paragraph 106), 'for the sake of the dignity and usefulness of the local bodies, whose status should be enhanced as much as possible, as well as for the sake of the central body—where a continuous increase of work may be expected, requiring relief from needless administrative detail—that no duties should be thrown on the central body that can equally well be performed by the local authorities.' Further, they declared that in nineteen specified areas, 'the Vestries might be at once styled 'Councils' and invested with the privilege of choosing a Mayor, so that within each of these areas the Mayor and Council should be the governing body' (paragraph 116).

The London Municipal Society was started in the summer of 1894, and was entering upon its active work about the time of the publication of this Report. In its original statement of its policy and objects it declared that its primary object was 'to extend and complete the policy for the reform of London government initiated by the Unionist Ministry of 1886-1892 in the creation of the London County Council, by the establishment of District Councils or corporations, and their endowment with

adequate authority;' and in all its subsequent electioneering and other propaganda the Society put this object in the very forefront of its programme, and steadily insisted upon its practical importance.

In the elections for the County Council which took place in March, 1895, Moderate Candidates, without exception, adopted this policy, and made it a prominent portion of their electoral propaganda. These elections resulted in the return of fifty-nine Progressive and of fifty-nine Moderate Councillors. They were followed at the General Election in the July of that year by the complete rout of Progressive Parliamentary Candidates for London constituencies.

From the beginning of this Parliament, London Unionist Members have pressed upon the Government the necessity, and even the urgent necessity, of 'completing the settlement' begun in 1888. Their efforts were encouraged and sustained by the spontaneous action of some of the Vestries. In January, 1896, some of the larger of these bodies sent a memorial to the Prime Minister, praying that effect might be given to the recommendations of the Royal

Commissioners, and that (without legislation) Charters might be granted to their parishes. In 1897 the united parishes of St. John and St. Margaret, Westminster, and the parish of Kensington, presented petitions to the Privy Council, praying for Charters of Incorporation. It was, however, stated by Mr. Balfour, in answer to a question in the House of Commons, that legislation was necessary before any of the existing local authorities could obtain municipal charters. Legislation was obviously necessary to endow them with further administrative attributes. Accordingly, twenty of the more considerable Vestries, representing in all a population of 2,600,413, and a rateable value of £20,638,260, agreed upon the terms of a memorial which they presented to the Prime Minister and the Duke of Devonshire in February, 1898. In this they urged the Government to introduce a Bill in the next Session to confer on their several districts 'greater civic dignity, at least commensurate with that possessed by numerous provincial boroughs of far less importance,' but 'subject to such qualifications as, in the peculiar circumstances of the Metropolis, shall reserve to the

existing central authorities the management of such matters as shall affect London as a county.' A measure dealing with the subject was mentioned in the Queen's Speech of that year. In fact, no such measure was introduced; but the Government gave emphatic pledges that they would introduce a Bill in the next Session. The combined Vestries in the meantime continued their agitation, and held a Conference at Westminster at which they discussed and agreed upon the powers which should be transferred from the central to the local authorities, and upon other practical details of the proposed legislation. This Westminster Conference was held under Conservative auspices. Subsequently the Radical Vestry of Islington convened a supplementary Conference, and invited to it representatives from the smaller Vestries and District Boards which had not taken part in the proceedings at Westminster. Nineteen districts then sent representatives to this second Conference, which was held at Islington. And it is worth recalling the fact that the conclusions arrived at by the second did not differ in any material way from those which had been come to at Westminster.

It was known in the autumn of 1898 that Mr. Arthur Balfour had undertaken the preparation of the Bill promised for the next Session, and that he would take charge of it in the House of Commons. All who were interested in the cause of reformed London government, and who knew by actual experience anything of Mr. Balfour's intellectual acuteness and Parliamentary tact were delighted that he should have the public spirit and energy to grapple with a thorny subject, which traditionally and properly belonged to other departments than his. But even his warmest admirers were surprised at the grasp which he quickly obtained of the main principles, and even of the technical and rather repellent details, of this large and vexed question. This mastery of the whole subject was admirably displayed in his speeches on the first and second reading of the Bill, and in his conciliatory conduct of it through the Committee stage. The London Government Bill was introduced and read a first time in the House of Commons on February 23, 1899.

On its introduction the Bill was assailed by a chorus of Progressive abuse. The leaders of

the party vied with each other in the violence of their invective against it. The *Daily Chronicle* denounced it as 'a bungling and insidious scheme,' as 'a seed of evil,' and declared that 'the day which sees it pass will be an evil day in the history of London.' At the County Council, the Progressive party devoted what was for that body 'an all-night sitting' to condemning it root and branch. They succeeded, moreover, in inducing the Radical opposition in the House of Commons to commit itself to a position of formal and absolute hostility to the Bill. Mr. Herbert Gladstone, on behalf of the Front Opposition Bench, moved an amendment to the second reading on March 21, which, if carried, would obviously have killed the Bill. It was in these terms: 'That no Bill dealing with the Local Government of London will be satisfactory which, while disturbing the existing system, fails to simplify and complete it, and which at the same time renders more difficult the attainment of the unity of London.' The amendment was beaten by 245 votes to 118.

As soon, however, as the Bill got into Committee the hollowness of this partizan opposi-

tion became apparent. In fact, only a small band of London Radical Members understood and sympathized with the prejudice of the County Council Progressives. Irreconcilable dislike of the Bill was soon seen to be absurd. London Unionist Members, and indeed, the House at large, soon settled down to a business-like discussion of the practical details of the Bill. It is true that in respect of them many improvements, many material improvements, were made during the Committee and Report stages. But they were administrative, non-political changes, carried generally at the instance and through the influence of the London Unionist Members. The Bill emerged from these long discussions with its main structure untouched, its essential principles unimpaired, and its primary object of a decentralization in London Government as effectually secured as on its first presentation to the House. It is interesting to compare with the rash denunciations of the Bill by Progressives in its early career the words in which Lord Kimberley described it on the second reading in the House of Lords. 'As a whole,' he said, 'the Bill is one of great moment to the in-

habitants of the Metropolis. It is not an heroic measure, and may not seem to be of such great importance as some of the far-reaching political measures with which we have to deal; but as regards the individual comfort of the inhabitants of this vast Metropolis, few Bills are of more importance than that now submitted to the consideration of your lordships,' and 'I have little fault to find with the Bill.' If one of the leaders of the Opposition had but 'little fault to find' with a Government measure, which he admitted to be 'of great moment to the inhabitants of this vast Metropolis,' the supporters of the Government and of the policy of the Bill may reasonably feel fortified in their conviction that this Bill 'of great moment' will be of advantageous 'moment' to London.

II

THE LONDON GOVERNMENT ACT, 1899

THE main features of the Act are these: It recognises the fact that in London there must be a central authority exercising central functions, and that ranged round it there must be local authorities performing local duties within their respective areas. Following the precedent of 1888, the Act leaves the City alone. It takes the legislation of that year, and the policy, of which it formed but an instalment, as the starting-point from which the new proposals should proceed. It retains the central County Council, and does not touch its constitution or interfere in any hostile or jealous spirit with its essential powers or status; but it does establish the supplemental local bodies which it was the intention of Mr. Ritchie to set up. It gives full effect to the recom-

mendations of Mr. Courtney's Report, that these bodies shall be dignified, and invested with as many powers as can conveniently be entrusted to them. It fixes a reasonable limit to the number of their members. It assigns to each of the new boroughs a territory of sufficient size and importance to prevent its Council from appearing insignificant. On the other hand, there has been, under the Act, no artificial carving of London into huge, unhomogeneous districts. Subject to the condition that the new borough should possess either a population or a rateable value of appreciable importance, regard has been paid to historical areas and to local sentiment. And so there is variety in size, in wealth, and in all the local characteristics of these new boroughs. In fine, as the effects of the Act a due relation has been established, and a proper balance of power set up between the central and local authorities. By it, local government in London should be made efficient and dignified. And so far as this result can be secured by legislation, the worthiest residents in each borough should now be attracted to the manifold work of its local administration.

The Metropolitan Borough Councils.

The whole Metropolitan area outside the City will, from next November, be governed by directly-elected local authorities, which will take the place, and exercise all the powers, of the Vestries, District Boards of Works, and Commissioners under Adoptive Acts. All the Vestries, District Boards, and Local Commissioners will be abolished. Each of the districts, in number twenty-eight, into which London is now divided, is called a Metropolitan Borough, and its governing authority is called a Metropolitan Borough Council.

The Borough Council is composed of a mayor, aldermen, and councillors. No woman is eligible to be either a mayor, or alderman, or councillor. The number of members of each Borough Council is fixed by an Order in Council, which also prescribes the number and the boundaries of wards in each borough, and allows the number of councillors to each ward. In this allotment regard must be paid to the rateable value as well as to the population of each ward.

The number of aldermen in each Borough

Council is one-sixth of the number of councillors. The total number of aldermen and councillors in any Borough Council is not to exceed seventy, so that the largest number of aldermen in any council will not exceed ten.

The mayor and aldermen of each borough must be persons who are qualified to sit as councillors for that particular borough. The councillors for each borough must be persons who are entitled to vote in the election of councillors for that particular borough.

The ordinary day for the election of councillors will be November 1; or, if that day be a Sunday, then on the following day.

The mayors and aldermen are elected by the councillors at their first meeting. The ordinary day for this will be November 9; or, if that day be a Sunday, then on the following day.

The mayors hold office for one year.

Aldermen are elected for six years, but half the number of those elected next November retire at the end of three years. It is decided by ballot among the councillors which aldermen shall retire at the end of three years.

Councillors hold office for three years; but one-third of the number elected in each ward

retire at the end of each year, unless the Local Government Board have made an order at the request of a Borough Council that the whole of the councillors shall retire on the ordinary day of election in every third year.

The quorum of the Borough Council is one-third of the whole number of the Council.

The Powers of the Borough Councils.

The Progressives have always affected alarm at the opportunity which might be taken by malicious Conservatives of a Local Government Bill to strip the London County Council of important powers, and so to impair its influence and lower its position. As a matter of fact, whatever dreams may once have been cherished by politicians, unversed in London administrative work, all experienced men on both sides knew that the powers which could usefully be transferred from the London County Council to the local authorities were neither numerous nor of the highest import. Fair-minded men of all parties were prepared to assent to the dictum of Mr. Courtney's Commission, that 'in the partition of functions between the central authority and the local authorities, the former

should be relieved of all administrative details for which its intervention is not really necessary, and the latter should be entrusted with every duty which they can conveniently discharge.' There was, no doubt, a greater alacrity amongst Moderates to accept the further sentence, 'In the case of doubt our inclination would incline to the allotment of functions to local bodies.' Still, a large measure of agreement had been arrived at amongst administrators as to the specific powers which could wisely be transferred. Following upon a motion of Lord Onslow's, which had been passed by the Council, a conference was held at Spring Gardens in 1896 of representatives from the local authorities. They voted on the advisability or inadvisability of transferring the whole series of powers with regard to which a transfer might possibly take place. The conclusions come to by this conference were subsequently received by the Local Government and Taxation Committee of the Council, which reported elaborately on the subject, and its report was then considered and voted on by the Council. As the outcome of all these deliberations there were set on one side certain

powers, labelled as 'agreed,' which, by a virtually unanimous expression of expert opinion, might conveniently and wisely be handed over by the Council to the local bodies.

The clauses of the Act which deal with the powers of the Borough Councils are 4, 5, 6, and 7. By Clause 4 all the powers at present exercised by the Vestries or District Boards are transferred to the Borough Councils.

There are also transferred to them all the powers and duties now performed by Library or Bath Commissioners, or Burial Boards. These Commissioners and Boards administer what is called the Adoptive Acts, viz., the Baths and Washhouses Acts, 1846-96, the Burial Acts, 1852-85, and the Public Libraries Act, 1892 and 1893. They are bodies distinct from the Vestries, who discharge their work independently of the Vestries. In future all these functions will be vested in and performed by the one local authority, the Borough Council.

But it may be noted here that a Council, in appointing a Committee for the purpose of administering the Public Libraries Acts, may select persons who are not members of the

Council. For every other Committee only members of the Council are eligible.

The powers transferred from the London County Council to the Borough Councils are as follows (Schedule II., Part I.):

(1) The power to remove unauthorized sky-signs.

(2) The power to license wooden structures.

(3) The power to remove obstructions in streets.

(4) The registration of dairymen.

The powers which may be exercised by the Borough Councils, as well as by the County Council, are (Schedule II., Part II.):

(1) Power to demolish buildings where a conviction has been obtained by the Borough Council for an offence against the Building Act.

(2) Power to take proceedings with regard to the stacking of timber, etc., when the provisions of the Building Act have been contravened.

(3) Power to take proceedings with respect to the control of a Water Company supplying any part of the Borough.

(4) Power to appear before the Railway Commissioners in respect of the accommodation of Railway Stations within the Borough.

(5) Power to acquire land required for the purpose of any of the powers or duties of the Borough Council.

(6) Power to put in force Part III. of the Housing of the Working Classes Act, 1890, within the Borough.

Of these transferred powers the most interesting, and potentially the most important, is that which will enable the Borough Council to put in force Part III. of the Housing Act, 1890. Part III. enables Local Authorities to acquire land, and to build thereon working-class dwellings. It enables them to do this independently of any scheme for clearing an insanitary area, and of rehousing the population thus displaced. The London County Council had up to this year made no use of the powers of Part III. Under the Housing of the Working Classes, 1890, Amendment Act of this session local authorities which are using these powers are enabled to acquire land outside the limits of their own particular County. This restriction had hampered the operations of the London County Council, and it is to be hoped that its removal will stimulate it to larger activity in this work. But it may well be that the Borough

Councils, with their closer knowledge of local needs, will be the pioneers in this work. It may be noted that under this Amending Bill Local Authorities which have acquired land under Part III. may subsequently lease to Companies or individuals, provided that these lessees build and maintain the required dwellings thereon. This Act of the present Government adds another to the series of constructive measures dealing with this grave problem which have been passed by Conservative and Unionist Ministries.

In addition, Section 3 of Clause 5 provides that 'the Local Government Board may, if they think fit, on the application of the London County Council and of the majority of the Borough Councils, make a Provisional Order for transferring to all the Borough Councils any power exercisable by the County Council, or for transferring to the County Council any power exercisable by the Borough Councils.'

As originally drawn, the provision in the Bill for future transfer of powers from the central to the local bodies excited Progressive hostility and fear. It was thought to be aimed at the County Council. As a matter of fact, all

elected public bodies are tenacious of their powers; and no Moderate majority on the Council would ever lightly abandon duties which the Council had hitherto discharged. As the Section now stands, however, the most sensitive Progressive cannot fear that it will lead to any political deposition of the present powers of the Council. If the Council concurs with a majority of the Borough Councils that a particular transfer is expedient, it can hardly be doubted that this must be manifestly desirable for practical administrative reasons. But even this concurrence is subject to the approval of the Local Government Board.

It will be observed that, on the same conditions, there is a reciprocal power of transfer from the Local to the Central authority.

The Areas of the Metropolitan Boroughs.

The question of what should be the size of the Local Government Areas of the future, and the question of the principles which should determine what districts and populations should be deemed fit for separate incorporation, had always seemed to present so many difficulties to Unionist municipal reformers, that reference

must be made to the controversy which raged over it before we consider the areas of the new Boroughs.

Some few Unionists, of no representative authority, and acting entirely on their individual responsibility, at one time propounded schemes in which they proposed to delimit London into some ten or even fewer Municipalities. But no responsible statesman, no representative organization on that side, ever gave support to such proposals. The Moderate Party on the Council, the London Municipal Society, leading London Unionist Members, consistently protested against the adoption of any such policy. The Progressives, however, who knew well the practical difficulty, and the unpopularity which would attend any attempt to cut up London into a few artificial areas, labelled and stigmatized this policy as 'tenuification,' and were never weary of attributing it to the Unionist Government and Party. At the other extreme of thought on the Unionist side there were no doubt some, mainly men who were closely connected with Vestry or District Board life, who shrank from almost the smallest change in the existing boundaries, and who

disliked the absorption in a larger area of even the tiniest parish. But the great mass of Unionist and independent opinion followed the general views expressed in the manifestoes of the Moderate Party, and the publications of the Municipal Society. In brief, the policy they supported was this: On the one hand, they protested against any arbitrary slicing up of London into a few big boroughs. On the other hand, they contended that, for the sake of the dignity and the efficiency of the new local bodies, there must be a considerable reduction in the number of separate local authorities. In deciding what shall be their exact number in the future, and on what principles their boundaries should be defined, they agreed with the spirit of the recommendation of the Report of Mr. Courtney's Commission, that some nineteen of the existing Local Government areas were fit for incorporation, and they concurred absolutely in its further recommendation that 'considerations of local feeling and of historic development would have to be weighed in conjunction with those of administrative convenience in extending this organization to the rest of the Metropolis' (Paragraph 118).

The proposals in the Bill were in general harmony with these recommendations. By the Bill in its original form the areas of thirteen administrative Vestries and of two District Boards would have become Metropolitan Boroughs. These selected localities were placed in the first Schedule. Boundary Commissioners would have drawn up schemes for the division of the remaining portions of London into similar boroughs, subject to these two guiding principles: that each one of the new boroughs must have either a rateable value exceeding £500,000, or a population of between 100,000 and 400,000. But it soon became plain that there was a very general disinclination to leave so large a part of London to be delimited by a Commission; that there were other existing local areas which were anxious for, and fully fitted for, Municipal incorporation; and that even where this was not the case, there was a reasonable disposition on the part of parishes to group themselves, and make such terms with one another, as would justify the new areas which they had agreed upon being included in the first Schedule. London Members encouraged this friendly disposition. Mr. Balfour and his

colleagues willingly co-operated. The result was that when the consideration of the First Schedule was reached, Members were able to make specific and agreed-upon proposals for the delimitation of the rest of London which were acceptable to the Government and the House of Commons. And so the essence of this most difficult question of the new areas was settled by and in Parliament itself, and the Boundary Commissioners were left to deal with smaller questions of the adjustment of boundaries for 'simplification or convenience of administration.'

The Areas of the Metropolitan Boroughs.

Sixteen boroughs which consist of a single parish:

	Acres.	Population in 1896.	Rateable Value in 1899.
Battersea	2,169	165,115	£906,285
Bethnal Green	755	129,162	457,510
Camberwell	4,450	253,076	1,198,010
Chelsea	650	75,196	744,058
Deptford	1,574	107,278	549,759
Fulham	1,701	113,781	639,585
Hackney	3,299	213,044	1,100,435
Hammersmith	2,286	104,199	610,211
Hampstead	2,248	75,449	851,413
Islington	3,109	336,764	1,816,925
Kensington	2,188	170,465	2,127,587
Lambeth	3,041	295,083	1,712,289
Paddington	1,256	124,506	1,332,347
St. Marylebone	1,506	141,188	1,608,771
St. Pancras	2,672	240,764	1,672,690
Shoreditch	648	122,358	708,644

Twelve boroughs which consist of more than one parish:

	Acres.	Population.	Rateable Value.
Bow (Bow, Bromley, and Poplar)	2,888	169,267	£746,854
Finsbury (Charterhouse, Clerkenwell, Glasshouse Yard, St. Luke and St. Sepulchre) ...	588	109,961	890,684
Greenwich (Charlton, Deptford, St. Nicholas, Greenwich, and Kidbrooke)	8,887	84,429	517,820
Holborn (Furnival's Inn, Gray's Inn, Lincoln's Inn, Saffron Hill, St. Andrew and St. George, St. Giles and St. George, and Staple Inn) ...	409	67,400	836,851
Lewisham (Lewisham and Lee)	7,011	99,962	732,283
St. Olave (Bermondsey, Horsleydown, Rotherhithe, and St. Olave and St. Thomas)...	1,506	187,585	864,818
Southwark (Christ Church, Newington, St. George the Martyr, and St. Saviour) ...	1,119	206,582	1,158,775
Stepney (Aldgate, Christchurch, Spitalfields, Limehouse, Mile End New Town, Mile End Old Town, Norton Folgate, Old Artillery Ground, Ratcliff, St. George-in-the-East, Shadwell, Wapping, and Whitechapel) ...	1,765	295,547	1,848,943
Wandsworth (Clapham, Mitcham (det.), Putney, Streatham, Tooting, and Wandsworth)	9,106	184,684	1,838,109
Westminster (Rolls, St. Anne, Westminster, St. Clement Danes, St. George's, Hanover Square, St. James's, Westminster, St. Margaret and St. John's, St. Martin-in-the-Fields, St. Mary-le-Strand, St. Paul, Covent Garden, St. Peter, Westminster, and Savoy) ...	2,555	193,265	4,977,802

	Acres.	Population.	Rateable Value.
Woolwich (Eltham, Plumstead, and Woolwich)	8,296	106,477	£558,194
Stoke Newington (South Hornsey and Stoke Newington) ...	868	50,877	320,089

In the case of some of the boroughs, the figures here given will be rendered slightly inaccurate by the adjustments of boundaries made by the Commission.

In addition, the City of London has 670 acres, a population of 31,108, and a rateable value of £4,550,624.

As I have said, small questions of rectification of boundaries for 'simplification and convenience of administration' remained to be settled by the Boundary Commissioners. By them, too, the future position of 'detached portions' of parishes was to be decided. In the Bill as introduced such detached portions were necessarily to be taken from their former parish, and joined to some adjoining parish. But in the House of Lords a limitation was imposed upon this compulsory severance. This proviso was inserted: 'Provided that if the Commissioners under this Act make a special report to Parliament that by reason of anything done under any of the Adoptive Acts, or for any other exceptional reason, it is impracticable to deal with a detached part of a parish in manner required by the foregoing provisions of this section, those provisions shall not

apply.' The detached portions of parishes are:

Detached Chelsea (Kensal Town).
Clapham.
Streatham.
Kidbrooke.
St. Clement Danes.

In fact, the Commissioners have not found that it was impracticable to apply the provisions of the Act to any one of these places, and each one of them has been taken away from its former parish and added to an adjoining parish or parishes.

With regard to the 'adjustments' of boundaries which the Commissioners have made on the ground that 'they are clearly expedient for simplification or convenience of administration,' the procedure was as follows: After local inquiries the Commissioners reported to the appointed Committee of the Privy Council, and then, with the approval of the latter body, presented draft orders in Council to Parliament. Unless either House expressed its dissent from these orders within a certain period, they became operative.

In the House of Commons notice of humble addresses to Her Majesty praying her to withhold her consent from draft orders was given by several Members on behalf of their local authorities. But the motions were only actually proceeded with in the case of Hammersmith and Chelsea. The Government opposed both motions and supported the schemes of the Commissioners, and the House declined to intervene. In neither case was a division taken.

Other Provisions of the Act.

The Act makes the following important practical reforms in the methods in which the business of the local authorities will be carried on in future :

It transfers all the duties of overseers to the Borough Council.

It appoints the town clerk of each borough the statutory officer to compile the jury lists and the lists of voters.

It provides that all the rates collected in a borough by the council shall, so far as is practicable, be levied on one demand note, and that the demand note shall be in a form approved

by the Local Government Board, and shall give full particulars of the origin and the object of the several items charged.

It provides that all the accounts of the Borough Councils shall be made up and audited in the same way as those of the London County Council. Hitherto the Vestries have appointed their own auditors, and in some cases the audit has been of a perfunctory nature. Henceforth all the accounts of the councils will be regularly and strictly audited by the official auditors of the Local Government Board.

Parliament has now done all that can be done by legislation to make the local government of London dignified and efficient. It has established these Borough Councils on the lines of the great provincial municipalities. It has given to them the titles and the constitution which in those towns have proved attractive to their best citizens. It has judiciously limited the number of their members. It has given them authority over areas which for the most part possess an existing local life and are animated by a common local sentiment. It has conferred upon them powers, important and various in character, but not of overwhelming

repel men of this stamp. Their Council meetings will probably be held fortnightly, at an hour which will suit busy men; their Committees will be neither so numerous, nor charged with such heavy agenda as those of the County Council. On the other hand, it is well to point out that much of their work will be of interest to those who have souls above drains or street pavements.

As we have seen, it will be competent for the Borough Councils to put in force Part III. of the Housing of the Working Classes Act, 1890, and to provide dwellings for the working classes, apart from clearances effected for sanitary purposes. There can be no kind of municipal work more interesting in itself, or fraught with larger social consequences. Again, the duties which have been performed by Commissioners of Public Libraries, and which are now transferred to the Borough Councils, should be interesting to many men. In several cases these libraries have been, and are being, administered with a wise and tender zeal. They are treated, not as mere collections of books; they are becoming the resting-places of much that goes to make up local history. In the

Central Public Library of Chelsea, for instance, in Manresa Road, a room has been opened as a local museum. The funds which were collected in the borough at the time of the last Jubilee have been devoted to this object. Under the name of the Queen Victoria Gallery this room already houses a very interesting collection of Chelsea prints, drawings, and other memorials of the past history of the parish. Voluntary donations are constantly increasing this collection, and it will soon be necessary to enlarge the gallery.

Another possible source of interest for Borough Councillors may be mentioned. It has been within the powers of the Vestries, and it will be within those of the Borough Councils, to maintain gardens and open spaces. Financial considerations have naturally led to their maintenance being generally handed over to the County Council. But some local authorities have availed themselves of these powers, and have kept up with special pride their own local garden. It may well be that the tendency to do this will grow in the future. In fine, while the work of the Borough Councils will be important and varied, it will not make overpower-

ing calls upon the time of their members. There should be nothing either in the methods of the elections to them, or in the conduct of the business on them, to deter busy or sensitive men from taking part in this great sphere of public utility. In every branch of charitable and educational work, Londoners of leisure and of means have not been slow spontaneously to make great efforts and to achieve large results. It remains for them to exhibit a like public spirit in the local government of their city. The London Government Act of 1899 has given them every opportunity that legislation can afford of entering upon useful municipal careers on the councils which it has created.

LONDON GOVERNMENT ACT, 1899.
[62 & 63 VICT., CH. 14.]

ARRANGEMENT OF SECTIONS.

Establishment of Metropolitan Boroughs.

Section.
1. Establishment of Metropolitan boroughs in London.
2. Constitution of borough councils.
3. Date for election of councillors.

Powers of Borough Councils.

4. Transfer to borough councils of powers from vestries and district boards.
5. Transfer of powers from London County Council.
6. Additional powers and duties of borough councils.
7. Expenses incidental to transfer of powers or duties.
8. Committees.
9. Payments to and by borough council.

Rates, Overseers, and Audit.

10. Levy of rates.
11. Provisions as to overseers and collection of rates.
12. Incidence of sewers rate or its equivalent.
13. Assessment Committees.
14. Audit of accounts.

Orders and Schemes.

15. Appointment of commissioners and preparation of orders and schemes.

16. Provisions to be made by scheme.
17. Rules as to boroughs and parishes.
18. Detached parts of parishes.
19. Application of Act to Woolwich.
20. Special provision as to Penge.
21. Provision as to Kensington Palace.
22. Provision as to the Temples.

Supplemental.

23. Church affairs and charities.
24. Mayors of boroughs as justices of the peace.
25. Deputy town clerk.
26. Alteration of wards.
27. Provisions as to names, first elections, etc.
28. Provisional orders and proceedings of Local Government Board.
29. Proceedings in case of doubts as to transfer of powers.
30. Existing officers.
31. Construction of Acts and savings.
32. Borough councils not to alienate open spaces.
33. Appointed day and transitory provisions.
34. Definitions.
35. Short title and repeal.

SCHEDULES.

CHAPTER XIV

AN Act to make better provision for local government in London. [July 13, 1899.]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Establishment of Metropolitan Boroughs.

Establishment of Metropolitan boroughs in London.

1. The whole of the administrative county of London, exclusive of the City of London, shall be divided into Metropolitan boroughs (in this Act referred to as boroughs), and for that purpose it shall be lawful for Her Majesty by Order in Council, subject to and in accordance with this Act, to form each of the areas mentioned in the First Schedule to this Act into a separate borough, subject, nevertheless, to such alteration of area as may be required to give effect to the provisions of this Act, and subject also to such adjustment of boundaries as may appear to Her Majesty in Council expedient for simplification or convenience of administration, and to establish and incorporate a council for each of the boroughs so formed.

Constitution of borough councils.

2.—(1) The council of each borough shall consist of a mayor, aldermen, and councillors. Provided that no woman shall be eligible for any such office.

(2) An Order in Council under this Act shall fix the number of councillors, and fix the number and boundaries of the wards, and shall assign the number of councillors to each ward, that number being divisible by three, and regard being

had to the rateable value as well as to the population of the wards.

(3) The number of aldermen shall be one-sixth of the number of councillors, and the total number of aldermen and councillors for each borough shall not exceed seventy.

51 & 52 Vict., c. 41.

(4) Except as otherwise provided by or under this Act, the provisions of the Local Government Act, 1888, with respect to the chairman of the County Council and the county aldermen respectively shall apply to the mayor and aldermen of a Metropolitan borough respectively, and for this purpose references in that Act to the chairman of the County Council and to county aldermen shall be construed as references to the mayor and aldermen of the borough.

(5) Except as otherwise provided by or under this Act, the law relating to the constitution, election, and proceedings of administrative vestries, and to the electors and members thereof, shall apply in the case of the borough councils under this Act and the electors and councillors thereof, and Section 46 of the Local Government Act, 1894, relating to disqualifications, shall apply to the offices of mayor and alderman.

56 & 57 Vict., c. 73.

(6) The quorum of the borough council shall be one-third of the whole number of the council.

(7) The mayor and an alderman of a Metropolitan borough shall be required to accept office within the same period as is allowed in the case of a councillor.

(8) The Local Government Board may, on request made by a borough council in pursuance of a resolution of the council passed by a majority of two-thirds of the members present and voting at a meeting of the council duly convened for the purpose, provided that such majority is not less than the majority of the whole council, make an order directing that the whole of the councillors shall retire together on the ordinary day of election in every third year, and may on like request rescind any such order.

Date for elections of councillors.

3.—(1) The first elections of all borough councillors under this Act shall be held on the first day of November one

thousand nine hundred, or on such later day, as soon as practicable thereafter, as may be fixed by the Lord President of the Council, who shall also fix a corresponding date for the first elections of mayor and aldermen.

(2) The ordinary day of election of borough councillors shall be the first day of November, or if that day is Sunday, then the following day.

(3) The ordinary day of election of the mayor and aldermen shall be the ninth day of November, or if that day is Sunday, then the following day.

(4) The revised lists of voters in each borough shall in each year after the year one thousand nine hundred be printed and signed before the twentieth day of October, and come into operation as the register for the purpose of borough elections on the first day of November.

Powers of Borough Councils.

Transfer to borough councils of powers from vestries and district boards.

4.—(1) On the appointed day every elective vestry and district board in the county of London shall cease to exist, and, subject to the provisions of this Act and of any scheme made thereunder, their powers and duties, including those under any local Act, shall, as from the appointed day, be transferred to the council for the borough comprising the area within which those powers are exercised, and their property and liabilities shall be transferred to that council, and that council shall be their successors, and the clerk of the council shall be called the town clerk, and shall be the town clerk within the meaning of the Acts relating to the registration of electors.

Provided that in the case of borrowing powers so transferred, if the London County Council refuse their sanction, or do not within six months after application made give their sanction, to a loan, or attach conditions to their sanction, an appeal shall lie to the Local Government Board, whose decision shall be final.

(2) Where any of the adoptive Acts is adopted within a borough, the borough council shall be the authority for

administering the Act; and where any such Act has been adopted before the appointed day, and is administered by commissioners or a board, a scheme under this Act shall abolish the commissioners or board, and transfer their powers, duties, property, and liabilities to the borough council.

(3) The powers of a borough council shall, save as in this Act mentioned, extend to the whole of their borough.

Provided that any power or duty of the council under any Act, whether general or local, conferring powers in relation to some particular parish or district, or part of a parish or district, shall be exercised and performed by the council either throughout the borough or in a limited part thereof, or shall cease to be exercised and performed, as may be provided by a scheme under this Act, having regard to the object of the Act under which the power or duty arises, and to the nature of any change of area or alteration of boundary made by or under this Act.

(4) Any of the adoptive Acts may be adopted in a Metropolitan borough in like manner as in a borough outside London, and not otherwise, and where any of the adoptive Acts adopted before the appointed day does not extend to the whole borough, the Act may be adopted in the rest of the borough in like manner as if it were a separate borough and the borough council were the council thereof.

Transfer of powers from London County Council.

5.—(1) As from the appointed day the powers and duties of the London County Council under the enactments mentioned in Part 1 of the Second Schedule to this Act shall, subject to the conditions mentioned in that schedule, be transferred to each borough council as respects their borough.

(2) As from the appointed day the powers of the London County Council under the enactments mentioned in Part 2 of the Second Schedule to this Act may, subject to the conditions mentioned in that schedule, be exercised also by each borough council as respects their borough.

(3) The Local Government Board may, if they think fit, on the application of the London County Council and of the

majority of the borough councils, make a Provisional Order for transferring to all the borough councils any power exerciseable by the County Council, or for transferring to the County Council any power exerciseable by the borough councils.

(4) The Local Government Board may also, on the joint application of the London County Council and the Common Council of the City of London, make a Provisional Order transferring any power from the County Council to the Common Council, or from the Common Council to the County Council.

Additional powers and duties of borough councils.

6.—(1) As from the appointed day the power and duty of maintaining any main road existing at the passing of this Act within a borough shall be transferred to the borough council, and the road shall vest in the borough council and shall cease to be a main road.

(2) Where a highway in a borough is repairable by the London County Council by reason of its being the roadway or footway of a bridge, embankment, or otherwise, the borough council shall, if so required by the county council, undertake the maintenance and repair thereof in consideration of such annual payment by the county council as may from time to time be agreed on, or in default of agreement be finally determined by the Local Government Board, and for the purpose of the undertaking the borough council shall have the same powers and be subject to the same duties and liabilities as if the highway were vested in them.

25 & 26 Vict., c. 102.

(3) The power of a borough council to close or stop up a street under Section 84 of the Metropolis Management Amendment Act, 1862, shall not require the sanction or allowance of the London County Council. Provided that before closing or stopping any such street the borough council shall give notice to the councils of any contiguous boroughs.

(4) It shall be the duty of each borough council to enforce within their borough the byelaws and regulations for the time being in force with respect to dairies and milk, and with

respect to slaughter-houses, knackers' yards, and offensive businesses, and for the purpose of performing this duty the borough council shall in all cases have the same powers of entry as they have in the case of slaughter-houses and knackers' yards, and if the council make default in performing this duty, the provisions of the Public Health (London) Act, 1891, shall apply as if the default were a default under that Act.

54 & 55 Vict., c. 76.

(5) A borough council may, with the consent of the Local Government Board, alienate any land for the time being vested in the council, and the proceeds of the sale of any land sold by the council shall be applied in such manner as the Local Government Board sanction towards the discharge of any loan of the council or otherwise for any purpose for which capital may be applied by the council.

(6) A borough council shall have the same powers of promoting and opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their borough, as are conferred on borough councils outside London by the Borough Funds Act, 1872, and the provisions of that Act shall extend to the council of a Metropolitan borough as if that council were included in the expression 'governing body' and the borough were a district in that Act mentioned.

35 & 36 Vict., c. 91.

Expenses incidental to transfer of powers or duties.

7.—(1) Where any power or duty is transferred from the London County Council to a borough council or from a borough council to the London County Council by or under this Act, the borough council or county council, as the case may be, shall defray as part of their ordinary expenses the expenses of and incidental to the power or duty, but the county council shall contribute to the borough council, or the borough council to the county council, in respect of those expenses, such amount, if any (whether capital or annual), and subject to such conditions, if any, as may—

(a) if the transfer is made by this Act, be agreed on between the councils within six months after the

transfer, or in default of agreement be finally determined by the Local Government Board; and

(*b*) if the transfer is made by a Provisional Order, be fixed by the Order.

Provided that every borough council shall have an opportunity of making a representation to the Local Government Board as to the amount of any contribution under this section to another council, and if the amount is settled by agreement may, within three months from the date at which the agreement is notified to them, appeal against it to the Local Government Board, who may finally determine the amount.

(2) Where the transfer is made by Provisional Order the amount of contribution from or to the county council may be varied in each case to meet the circumstances of the case.

(3) This section shall apply as if the Common Council of the City of London were the council of a Metropolitan borough.

Committees. 55 & 56 Vict., c. 53. 56 & 57 Vict., c. 11.

8.—(1) Any committee appointed by a borough council for the purpose of the Public Libraries Acts, 1892 and 1893, may consist partly of persons not members of the council.

(2) Every committee shall report their proceedings to the council, but, to the extent to which the council so direct, the acts and proceedings of the committee shall not require the approval of the council. Provided that a committee shall not raise money by loan or by rate, or spend any money beyond the sum allowed by the council.

(3) Every borough council shall from time to time appoint a finance committee for regulating and controlling the finance of the council; and no order for payment of any sum, whether on account of capital or income, shall be made by a borough council except in pursuance of a resolution of the council passed on the recommendation of the finance committee; and any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee. The notice of the meeting at which any resolution

for the payment of any sum by the borough council (otherwise than for ordinary periodical payments) or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred. Provided that the foregoing provisions shall not apply to payments made in pursuance of a precept from another authority.

56 & 57 Vict., c. 73.

(4) Section 57 of the Local Government Act, 1894, which relates to joint committees, shall, with the substitution of the words Local Government Board for County Council therein, apply to borough councils as if they were district councils.

Payments to and by borough council.

9.—(1) All payments to and by the borough council shall be made to and by the borough treasurer, and all payments by the council shall, unless made in pursuance of the specific requirement of an Act of Parliament, or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council, and countersigned by the town clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys issued in pursuance of any such order shall be countersigned by the town clerk, or by a deputy approved by the council.

(2) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs according to the judgment and discretion of the court.

Rates, Overseers, and Audit.

Levy of rates.

10.—(1) A scheme under this Act shall provide for all the expenses of a borough council being paid out of the general rate, and for the discontinuance of a separate sewers rate and separate lighting rate, but shall make provision for pro-

tecting the interests of owners and occupiers of any hereditament which is exempt from any rate or liable to be assessed thereto at a less amount than other hereditaments.

(2) After the appointed day the general rate and the poor rate shall be assessed, made, and levied together by the borough council as one rate, which shall be termed the general rate, and shall be assessed, made, collected, and levied, as if it were the poor rate, and all enactments applying or referring to the poor rate shall, subject to the provisions of this Act as to audit, be construed as applying or referring also to the general rate.

(3) Where a borough comprises more than one parish, the amount to be raised to meet the expenses of the borough council, or other sums payable as part of those expenses, shall, subject to any provision required for the adjustment of local burdens, be divided between the parishes in proportion to their rateable value.

(4) Where any of the adoptive Acts, or any local or other Act, does not extend to the whole borough, any rate required to meet the expenses incurred under the Act shall, subject to the provisions of any scheme under this Act, be levied together with, and as an additional item of, the general rate over the area to which the Act extends.

Provisions as to overseers and collection of rates.

11.—(1) After the appointed day the council of each borough shall be the overseers of every parish within their borough, and shall appoint such officers as may be required to assist in the transaction of the business, and shall defray the expenses of and incidental to the performance of the duties, of overseers. Provided that the town clerk of each borough shall have the powers and duties and be subject to the liabilities of overseers with respect to the preparation of lists of voters and of jury lists in the borough, and any document required to be signed by overseers may be signed by the town clerk.

(2) After the appointed day every precept issued by any authority in London for the purpose of obtaining money

which is ultimately to be raised out of a rate within a borough, other than a precept sent to guardians by the Local Government Board or by a body containing representatives elected by the guardians, shall be sent to the council at their office, addressed to the council or to the town clerk. Any such precept, if so sent and addressed, shall be deemed to be personally served on the council, and shall be executed by them. 'Precept' in this section includes any order, certificate, warrant, or other document of a like character, and the Local Government Board may settle the form of any precept as so defined.

(3) After the appointed day all the rates collected in a Metropolitan borough from any person by the council shall, as far as is practicable, be levied on one demand note, and the demand note shall be in a form approved by the Local Government Board, and shall state in manner provided in that form—

(*a*) the rateable value of the premises in respect of which the rate is levied; and

(*b*) the rate in the pound; and

(*c*) the period for which the rate is made; and

(*d*) the several purposes for which the rate is levied; and

(*e*) the approximate amount in the pound required for each purpose (including, as far as is practicable, the proportionate amount of the estimated costs of and loss in collection); and

57 & 58 Vict., c. 58.

(*f*) any matter required by Section 2 of the London (Equalisation of Rates) Act, 1894, or any other enactment, to be stated in the demand note.

Incidence of sewers rate or its equivalent.

12. As between landlord and tenant every tenant who, if this Act had not been passed, would have been entitled to deduct against or to be repaid by his landlord any sum paid by the tenant on account of the sewers rate, shall in like manner be entitled to deduct against or to be repaid by his landlord such portion of the general rate as represents the sewers rate.

Assessment Committees.

13. Where the whole of a poor law union is within one borough, the assessment committee shall, notwithstanding anything in Section 5 of the Valuation (Metropolis) Act, 1869, be appointed by the borough council instead of by the board of guardians, and, where the borough comprises the whole of two or more unions, the council shall appoint only one assessment committee for those unions, and where the council appoint the assessment committee, the town clerk shall act as the clerk to that committee.

32 & 33 Vict., c. 67

Audit of accounts.

14. After the appointed day the accounts of the council of every Metropolitan borough, and of any committee appointed by the council, and of their officers, including the accounts relating to the making, levy, and collection of any rate made by the council, shall be made up and audited in like manner and subject to the same provisions as the accounts of the London County Council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly.

Orders and Schemes.

Appointment of Commissioners and preparation of Orders and schemes.

15.—(1) It shall be lawful for Her Majesty in Council to refer to a Committee of the Privy Council the appointment of Commissioners to prepare such Orders and schemes as are required for carrying this Act into effect, and the Committee may settle the Orders and schemes so prepared, and may employ such persons as they may deem necessary for the purposes of this Act.

(2) Before any Order in Council forming an area into a borough is made under this Act, the draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and if either of those Houses before the expiration of those thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft Order.

(3) The Commissioners shall for the execution of their duties under this Act have the like powers as inspectors of the Local Government Board.

(4) Any expenses incurred by the Committee under this Act shall, to the amount certified by the Treasury, be paid by the London County Council out of the county fund.

Provisions to be made by scheme.

16.—(1) A scheme under this Act may make provision—

(*a*) for any matters which under this Act are to be regulated by scheme; and

45 & 46 Vict., c. 50.

(*b*) for any of the purposes, except police, for which a scheme may be made under Part 11 of the Municipal Corporations Act, 1882, so far as those purposes are consistent with this Act; and

51 & 52 Vict., c. 41. 56 & 57 Vict., c. 73.

(*c*) for anything which may be done with respect to a parish by an order under Section 57 of the Local Government Act, 1888, or may be done under Section 33 of the Local Government Act, 1894, so, however, that parishes in different unions shall not be united except with the approval of the Local Government Board; and

(*d*) for such adjustments as may be required for carrying into effect any of the provisions of this Act or for preventing any injustice with respect to the incidence of any rate or the discharge of any liability or otherwise, and in particular for such adjustments as may be required for the efficient maintenance of any libraries, baths, or washhouses, which have been maintained under the provisions of any of the adoptive Acts; and

(*e*) for preserving, so far as may appear necessary or expedient, any right, power, exemption, or immunity heretofore exercised or enjoyed in respect of property belonging to or occupied by the Crown or any Government department; and

(*f*) for making such alterations in the boundaries of the electoral divisions for the purpose of school board

elections as may be rendered necessary by any alteration in the area of the county of London; and

(*g*) for repealing or modifying any local Act other than the London Building Act, 1894; and 57 & 58 Vict., c. 113.

(*h*) for carrying into effect this Act or any Order in Council made thereunder;

and may contain any incidental, consequential, or supplemental provisions, which may appear to be necessary or proper for the purposes of the scheme.

(2) In making adjustments by a scheme under this section, regard shall be had to any composition, contribution, or exemption, whether statutory or otherwise, which has heretofore existed in regard to any portion of any area dealt with under the scheme.

(3) The provisions of the Municipal Corporations Act, 1882, as amended by the School Boards Act, 1885, with respect to a scheme under Part 11 of the first-mentioned Act, shall apply in the case of any scheme under this Act with the necessary modifications, and any governors or trustees of the poor or other similar body under a local Act shall be deemed, but the London County Council shall not be deemed, to be a local authority within the meaning of those provisions. There shall also be deemed to be local authorities within the meaning of the said provisions— 45 & 46 Vict., c. 50. 48 & 49 Vict., c. 38.

(*a*) the mayor, commonalty, and citizens, and the Court of Aldermen of the City of London, so far as relates to any powers exerciseable by them or by officers appointed by them respectively within the ancient borough of Southwark; and

(*b*) the Dean and Chapter of the Collegiate Church of St. Peter, Westminster, so far as relates to any powers of local government exerciseable by them or their officers within the borough of Westminster, and the Court of Burgesses of the ancient city of Westminster.

(4) Provided that notification in the *London Gazette*, and in such other manner as the Committee of Council may

direct, of a draft scheme having been prepared or of a scheme having been settled, and of the place where copies of it can be inspected and obtained, shall be substituted for publication of the draft scheme or scheme in the *London Gazette* or in the manner required by the Seventh Schedule to the Municipal Corporations Act, 1882.

45 & 46 Vict., c. 50.

Rules as to boroughs and parishes.

17.—(1) Every part of the administrative county of London outside the City shall be situate in some borough and some parish, and a parish shall not be situate in more than one borough, or partly in a borough and partly in the City.

(2) An Order in Council under this Act may divide a parish or place into parts for the purpose of giving effect to this section or of constituting a satisfactory area for a borough, and, unless otherwise provided by the Order or by a scheme under this Act, each part shall be a separate parish.

Detached parts of parishes.

18.—(1) Every part of a parish in London which is wholly detached from the principal part of the parish shall by an Order in Council under this Act be annexed to or divided between any of the boroughs which it adjoins, and be either constituted a separate parish or be annexed to or divided between any of the parishes which it adjoins, so, however, that the provisions of this Act with respect to a parish not being situate in more than one borough shall be observed.

Provided that if the Commissioners under this Act make a special report to Parliament that by reason of anything done under any of the adoptive Acts, or for any other exceptional reason, it is impracticable to deal with a detached part of a parish in manner required by the foregoing provisions of this section, those provisions shall not apply.

And further provided that the foregoing provisions of this section shall not apply to the hamlet of Knightsbridge.

(2) Where the county of London surrounds a detached part of a parish in another county, the foregoing provisions shall apply, and the detached part shall for all purposes become part of the county of London and of the appropriate county electoral division.

(3) Where a detached part so becomes part of the county of London, and is part of any urban district the remainder of which adjoins the county of London, the whole of the district may, by Order in Council, if it seems expedient after considering all the circumstances of the case, be added to and form for all purposes part of the county of London and of the appropriate borough.

(4) Where a detached part of a parish in the county of London is wholly surrounded by any other county, the detached part shall for all purposes become part of that county, and where a detached part as aforesaid is surrounded by more than one county, that detached part shall become part of such county as shall be determined by Order in Council under this Act, and every such detached part shall, by Order in Council, be either constituted a separate parish or annexed to or divided between any parish or parishes which it adjoins, and be added to the appropriate county district and county electoral division.

(5) Nothing in this section shall apply to the City of London.

(6) The London County Council and the council of any adjoining county shall be entitled to be heard on any alteration or proposed alteration of the area of the county of London.

Application of Act to Woolwich.

19.—(1) A scheme under this Act shall provide for placing Woolwich under the general law applying to Metropolitan boroughs, and for the repeal of the application thereto of the provisions of the Public Health Acts and other enactments not applying to London, and for the application thereto of the Metropolis Management Acts, 1855 to 1893, and other enactments applying to London.

(2) Subject to the provisions of any such scheme, this Act shall apply to Woolwich in like manner as if the local board of health thereof were an administrative vestry.

(3) Nothing in this Act shall prevent the council of any borough consisting of or comprising Woolwich from continu-

ing to make any contribution for the purpose of technical education hitherto made by any local authority, or from exercising any existing powers of carrying on a market.

Special provision as to Penge.

20.—(1) An Order in Council under this Act may either annex Penge to the borough of Lewisham or to the borough of Camberwell, or separate it from the county of London and make it form part of the county of Surrey or of the county of Kent, and if it is so separated shall provide for constituting it an urban district, or for adding it to an adjoining county borough or urban district, and if necessary shall determine the county electoral division to which it is to belong.

(2) A scheme under this Act shall make such provision as may be necessary for the apportionment and transfer of property and liabilities, and for the repeal of the application to Penge of the Metropolis Management Acts, 1855 to 1893, and any other enactments applying to London, and for the application thereto of the Public Health Acts and other enactments not applying to London.

Provision as to Kensington Palace.

21. An Order in Council under this Act may detach Kensington Palace from the borough of Westminster and attach it to the borough of Kensington.

Provision as to the Temples.

22. The places known as the Inner and Middle Temples shall for the purposes of this Act be deemed to be within the City of London.

Supplemental.

Church affairs and charities.

23.—(1) Nothing in this Act shall transfer to a borough council any powers or duties of a vestry which relate to the affairs of the Church or any interest of a vestry in any church property, or shall make any incumbent or churchwarden an ex-officio member of a borough council, and a scheme under this Act shall provide for vesting any such powers and duties in the inhabitants of some parish or

ecclesiastical district, and for vesting any such interest in the incumbent and churchwardens or one or some of them, and for the collection of any rate connected with a church or an incumbent by the churchwardens, or by officers appointed for the purpose.

(2) Provided that any building which belongs to any body whose powers and duties are transferred to any borough council by or under this Act, and which has been erected wholly or partly on a churchyard shall, with its appurtenances, be transferred to and vest in the council, subject to such right of use for church purposes as may be given by the scheme.

(3) As from the appointed day, the churchwardens of every parish within a Metropolitan borough shall cease to be overseers, and references in any Act to the churchwardens and overseers of any such parish shall, except so far as those references relate to the affairs of the Church, be construed as references to the council of the borough comprising the parish, and the legal interest in all property vested either in the overseers or churchwardens and overseers of any such parish (other than property connected with the affairs of the Church or held for an ecclesiastical charity within the meaning of the Local Government Act, 1894), shall, subject to the provisions of any scheme under this Act, vest in the borough council. 56 & 57 Vict., c. 73.

(4) Provision shall be made by scheme under this Act for substituting nominees of the borough council for overseers as trustees of any charity, due regard being had to the area benefited by the charity.

(5) The Charity Commissioners shall, for the purposes of this Act, have the like powers with respect to charities, subject to the like appeal, as they have under and for the purposes of the Local Government Act, 1894.

(6) Nothing in this Act shall affect the right to the benefit of any charity, or shall alter or confer any power of altering the defined charitable purposes (if any) to which any property is by law applicable at the passing of this Act.

Mayors of boroughs as justices of the peace.

24. With respect to a mayor of a borough being by virtue of his office a justice of the peace—

(1) he shall become a justice of the peace for the county of London;

(2) he shall not be disqualified by reason of being a solicitor practising or carrying on business in the county of London or city of London;

(3) he shall not practise as a solicitor before any justices of the county of London.

Deputy town clerk.

25. In case of the illness or absence of the town clerk, the borough council may appoint a deputy town clerk to hold office during their pleasure, and all things required or authorized by law to be done by or to the town clerk may be done by or to the deputy town clerk, and no defect in the appointment of a deputy shall invalidate his acts.

Alteration of wards.

26.—(1) Whenever the Local Government Board is satisfied that a *primâ facie* case is made out for a proposal for the alteration of the number of wards of a Metropolitan borough, or of the boundaries of any ward, or of the apportionment of the members of the council among the wards, the Local Government Board may cause such inquiry to be made and such notices to be given as they may think expedient; and if satisfied that the proposal is desirable, may make an order accordingly.

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied, in such manner as the Local Government Board may direct.

(3) The expenses of and incidental to the making of the order shall be paid by the borough council.

Provision as to names, first elections, &c.

27.—(1) An Order in Council under this Act shall—

(*a*) give each of the Metropolitan boroughs an appropriate name; and

(*b*) fix the days, years, and times for the retirement of the first aldermen and councillors; and

(*c*) give such directions as to the first meeting of the

borough councils, and make such other temporary modifications of the provisions of this Act as may appear to Her Majesty to be necessary or proper for making those provisions applicable in the case of the first constitution of a borough council.

(2) An Order in Council under this Act may make such provisions as appear necessary for adapting the enactments relating to the registration of electors to the provisions of this Act with respect to the powers and duties of the town clerk and overseers, and in particular for applying, so far as appears necessary, the law regulating the registration of electors in a municipal borough outside London.

(3) An Order in Council under this Act shall provide for the revised lists of voters in the administrative county of London outside the city being, in the year one thousand nine hundred, printed and signed before the twentieth day of October, and coming into operation as the register for the purpose of borough elections on the first day of November, and may provide for such adjustment of the lists of voters and registers with respect to any alteration under this Act of parish boundaries as may appear required for the purpose of those elections.

(4) On the day on which the first borough councillors elected under this Act come into office, the persons who are then members of elective vestries or district boards, and the auditors and overseers of any place to be included in a borough, shall cease to hold office, and until that day the persons who are at the passing of this Act members of elective vestries and district boards, and auditors and overseers, shall continue in office as if the term of office for which they were elected or appointed expired on that day, and, except for the purpose of filling casual vacancies, no further election or appointment shall be held or made.

Provisional Orders and proceedings of Local Government Board.

28.—(1) Sections 297 and 298 of the Public Health Act, 1875, shall apply to any Provisional Order made under this Act as if it were a Provisional Order made under that Act, except that the expenses incidental to the Provisional Order

38 & 39 Vict., c. 55. shall be defrayed by the councils concerned in such proportions as the Local Government Board may determine.

51 & 52 Vict., c. 41. (2) Sub-sections 1 and 5 of Section 87 of the Local Government Act, 1888, shall apply to any proceedings of the Local Government Board under or for the purposes of this Act.

(3) Where the Local Government Board are authorized by this Act to determine any matter, it shall be at their option to determine the matter as arbitrators or otherwise, and, if they elect to determine the matter as arbitrators, the provisions of 31 & 32 Vict., c. 119. the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of matters under this Act.

Proceedings in case of doubt as to transfer of powers. 29. If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to the council of any Metropolitan borough, or any property is or is not vested in any such council, that question, without prejudice to any other mode of trying it, may, on the application of the council, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

Existing officers. 30.—(1) Where the powers and duties of any authority are transferred by or under this Act to any borough council, the existing officers of that authority shall be transferred to and become the officers of that council. Any assistant overseers, rate collectors, and other officers employed in the performance of duties of overseers within a borough shall also be transferred to and become officers of the council for that borough. The council may abolish the office of any such officer whose office they may deem unnecessary; but any officer required to perform duties such as are not

analogous, or which are an unreasonable addition to those which he is at present required to perform, may relinquish his office, and any officer so relinquishing his office, or whose office is abolished, shall be entitled to compensation under this Act.

(2) Sub-sections 4 and 7 of Section 81 of the Local Government Act, 1894, shall apply to the existing officers affected by this Act as if references in those sub-sections to the district council were references to the borough council, and all expenses incurred by the borough council in pursuance of those sub-sections shall be paid out of the general rate: Provided that the borough council may, if it thinks fit, take into account continuous service under any authority or authorities to which this Act refers, in order to calculate the total period of service of any officer entitled to compensation under this Act. 56 & 57 Vict., c. 73.

(3) For the purposes of this section 'existing officers' shall mean officers holding office on the twenty-fourth day of February one thousand eight hundred and ninety-nine and also at the passing of this Act.

(4) A scheme under this Act may make such provisions as may appear necessary for carrying this section into effect, and if necessary for determining the authority to whom any existing officer is to be transferred, and for applying the provisions of this section to any officer who suffers pecuniary loss by reason of anything in or done under this Act, although he is not transferred to a borough council, and although he is not an officer of an authority whose powers and duties are transferred by or under this Act, and for determining in any such case the fund out of which compensation is to be paid.

Construction of Acts and savings.

31.—(1) Where any Act passed before the passing of this Act contains expressions referring to a borough, those expressions shall not be construed as referring to a Metropolitan borough created by this Act unless applied thereto by or under the provisions of this Act or of any subsequent enactment.

(2) Any enactment in any Act, whether general or local, referring to an authority whose powers or duties are transferred by or under this Act to a borough council shall be construed with the necessary modifications, including the substitution of the borough council for that authority and of the borough for the area of that authority.

(3) Nothing in or done under this Act shall be construed as altering the limits of any parliamentary borough or parliamentary county.

(4) Except so far as the areas of parishes and sanitary districts are altered by or under this Act, nothing in this Act shall affect the London (Equalization of Rates) Act, 1894.

57 & 58 Vict., c. 53.

(5) Nothing in this Act, or in any order or scheme under this Act, shall abridge, alter, or affect the powers, rights, duties, or jurisdiction of the School Board for London over the area which for the time being constitutes the administrative county of London.

Borough councils not to alienate open spaces.

32. Nothing in this Act shall authorize any borough council to alienate any recreation ground or other open space dedicated to the use of the public, or any land held on trusts which prohibit building thereon.

Appointed day and transitory provisions.

33.—(1) For the purposes of this Act the appointed day shall be the day on which the members of the borough councils first elected under this Act come into office, or such other day not being more than six months earlier or later, as the Lord President of the Council may appoint, either generally, or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different boroughs.

(2) Subject to the provisions of any scheme under this Act, and to such adaptations as may be made by Order in Council, Sections 85 to 88 of the Local Government Act, 1894 (which contain transitory provisions), shall apply in the case of boroughs and borough councils under this Act.

56 & 57 Vict., c. 73.

Definitions.

34.—In this Act, unless the context otherwise requires,

The expression 'administrative vestry' means a vestry having the powers of a vestry elected for a parish specified in Schedule A. to the Metropolis Management Act, 1855; and the expression 'elective vestry' means any vestry elected under the Metropolis Management Act, 1855. 18 & 19 Vict., c. 120.

The expression 'rateable value' shall include the value of Government property upon which a contribution in lieu of rates is paid:

The expressions 'powers,' 'duties,' 'property,' 'liabilities,' and 'powers, duties, and liabilities,' have respectively the same meanings as in the Local Government Act, 1888: 51 & 52 Vict., c. 41.

The expression 'adoptive Acts' means the Baths and Washhouses Acts, 1846 to 1896, the Burial Acts, 1852 to 1885, and the Public Libraries Acts, 1892 and 1893:

The expression 'local Act' includes a provisional order confirmed by an Act, and the Act confirming the order: and the expression 'enactment' includes a provision of any such order.

Short title and repeal.

35.—(1) This Act may be cited as the London Government Act, 1899.

(2) As from the appointed day the enactments mentioned in the Third Schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned.

SCHEDULES

FIRST SCHEDULE.

Areas which are to be Boroughs.

The parishes of—

Battersea.	Islington.
Bethnal Green.	Kensington.
Camberwell.	Lambeth.
Chelsea.	Paddington.
Fulham.	St. Marylebone.
Hackney.	St. Pancras.
Hammersmith.	Shoreditch.
Hampstead.	

The area consisting of the parishes of Mile End Old Town and St. George's-in-the-East and the districts of the Limehouse and Whitechapel Boards of Works, including the Tower of London and the liberties thereof.

The district of the Poplar Board of Works.

The district of the Wandsworth Board of Works.

The area consisting of the parishes of St. George the Martyr, Christchurch, Southwark, St. Saviour, Southwark, and Newington.

The area consisting of the parishes of Rotherhithe, Bermondsey, Horsleydown, and St. Olave and St. Thomas, Southwark.

The area of the parliamentary division of Holborn.

The area consisting of the parliamentary divisions of East and Central Finsbury.

The area of the parliamentary borough of Deptford.

The area of the parliamentary borough of Greenwich.

The area of the parliamentary borough of Lewisham.

The area of the parliamentary borough of Woolwich.

The area of the ancient parliamentary borough of Westminster, comprising the parishes of St. Margaret and St. John, Westminster, the parish of St. George, Hanover Square, the parish of St. James, Westminster, the parish of St. Martin-in-the-Fields and the district of the Strand Board of Works, and including the Close of the Collegiate Church of St. Peter, Westminster, and the Liberty of the Rolls.

The area consisting of the parish of Stoke Newington and of the urban district of South Hornsey, or so much thereof as may be incorporated with the county of London under this Act.

SECOND SCHEDULE.

PART I.

Minor Powers and Duties to be transferred from County Council.

Powers and Duties transferred.	Conditions of Transfer.
Power under Section 84 of the London Building Act, 1894, to license the setting up of wooden structures, and power to take proceedings for default in obtaining or observing the conditions of a license under that section.	
Power under Section 134 of the London Building Act, 1894, in relation to the removal of unauthorized sky signs.	Subject in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.
Powers under Section 199 of the London Building Act, 1894, which section relates to the removal of obstructions in streets.	
Power under Section 28 of the Public Health (London) Act, 1891, of registering dairymen.	Subject to the power of the London County Council to make byelaws, and in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.

Part II.

Powers of County Council to be exercised also by Borough Councils.

Powers Exercisable.	Conditions of Exercise.
Power under Section 170 of the London Building Act, 1894, which section relates to the demolition of buildings in case of the conviction for an offence against the Act, or byelaws made under it.	The power to be exercised only where the borough council have obtained the conviction. 57 & 58 Vict., c. 113.
Power to take proceedings in respect of timber or other articles piled, stacked, or stored in contravention of Section 197 or Section 200 (11) (*h*) of the London Building Act, 1894.	The power to be exercised only within the borough.
Powers under Sections 17 to 25 of the Metropolis Water Act, 1871, with respect to regulations of water companies.	The power to be exercised only with respect to a water company supplying any part of the borough. 34 & 35 Vict., c. 113.
Power under Section 7 of the Railway and Canal Traffic Act, 1888, to make or appear in opposition to certain complaints.	51 & 52 Vict., c. 25.
Powers under Section 65 of the Local Government Act, 1888, which section relates to the acquisition of land.	The power to be exercised only where the land is required for the purpose of any of the powers or duties of the borough council. 51 & 52 Vict., c. 41.
Power to adopt Part III. of the Housing of the Working Classes Act, 1890.	The power to be exercised only within the borough. 53 & 54 Vict., c. 70.
Power to make byelaws under Section 23 of the Municipal Corporations Act, 1882, as applied by Section 16 of the Local Government Act, 1888.	The byelaws to be in force only within the borough and not to be inconsistent with any byelaws made by the county council. 45 & 46 Vict., c. 50. 51 & 52 Vict., c. 41.

THIRD SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict., c. 18.	The Parliamentary Voters (Registration) Act, 1843.	In Section 56, the words 'or to the 'town clerk of the borough of South-'wark,' and the words 'and in regard 'to the borough of Southwark the 'high bailiff of the said borough.'
18 & 19 Vict., c. 120.	The Metropolis Management Act, 1855.	Sections 2 and 3. Section 5. Section 7. Section 8, from the beginning to 'shall 'be elected and,' and the words 'with 'such other persons as hereinbefore 'mentioned.' Sections 11 and 12. Section 28 to 'every such meeting.' Section 29. Sections 31 to 42. Sections 55 and 56. Sections 57, 58, 60, 61 and 66, so far as they relate to district boards and their districts, and Section 58, from 'Provided always' to the end of the section. Section 91, from 'save as regards' to 'any of the said Acts; and.' Section 154, from 'may sell and dispose 'of any land' to 'just; and any 'such board or vestry,' except in so far as it applies to the Metropolitan Board of Works. Section 158, from 'but every such 'vestry.' Sections 161 to 165. Sections 166 to 169. Sections 172 to 174. Sections 175 to 179. Sections 192 to 197.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict., c. 120.	The Metropolis Management Act, 1855.—*cont.*	In Section 198, the words 'the said 'account in abstract' to 'printed 'therewith,' and the words 'account 'in abstract, statement, and' wherever they occur. In Section 199, the words 'according 'to the provisions of this Act.' Section 237, from 'nor shall such parts' to 'cleansing.' Section 238.
25 & 26 Vict., c. 102.	The Metropolis Management Amendment Act, 1862.	In Section 8, the words 'and the 'precepts for obtaining payment of 'moneys required by the board for 'that purpose.' Sections 9 to 12. Section 14. Section 15, so far as it relates to vestries and district boards. Section 16. Section 37, so far as it relates to district boards. Section 38. Section 40. Section 41. In Section 56, the words 'out of the 'sewers rate to be levied in their 'parish or district.' In Section 84, the words 'with the 'previous sanction of the Metro-'politan Board of Works' and the words 'allowed by the Metropolitan 'Board.' The forms of precept in Schedule C.
48 & 49 Vict., c. 23.	The Redistribution of Seats Act, 1885.	In Section 12 the words 'and also the 'town clerk for the new borough 'within the meaning of the Registra-'tion Acts.'
54 & 55 Vict., c. 76.	The Public Health (London) Act, 1891.	Sections 102 and 140, and the Second Schedule.
55 & 56 Vict., c. 53.	The Public Libraries Act, 1892.	Section 22.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict., c. 73.	The Local Government Act, 1894.	In Section 31, the words 'the local 'board of Woolwich and'; the words 'and the auditors for parishes elected 'under those Acts, and so far as 'respects the qualification of persons 'to be elected as if members of the 'district boards under the said Acts,' and the words 'and no person shall '*ex officio* be chairman of any of the 'said vestries'; and subsection (2). At the end of Section 46, the words 'and in the case of London auditors 'as if they were members of a district council.' In Section 48, subsection (4), the words 'and of members of the local board 'of Woolwich'; and in sub-section (5) the words 'local board or' and 'or auditor.'
56 & 57 Vict., c. 221.	The London County Council (General Powers) Act, 1893.	Section 15.
58 & 59 Vict., c. 127.	The London County Council (General Powers) Act, 1895.	Section 42.

CHRONICLE

1835. Municipal Corporations Act.

1837. Special Report of Royal Commission on Government of London.

1853. Royal Commission appointed to inquire into the City Corporation reports in favour of several municipalities for London.

1854. Metropolis Local Management Act creates Metropolitan Board of Works, the Administrative Vestries, and District Boards of Works.

1867. Metropolitan Poor Act (Lord Cranbrook's) establishes common poor law fund.

1875 and 1879. Lord Cross's Artisans' Dwellings Improvement Acts give local authorities compulsory powers to purchase insanitary areas and reconstruct workmen's dwellings.

1884. Sir William Harcourt introduces Bill to establish one municipality for whole of London, which was dropped.

1888. Appointment of Royal Commission (Chairman, Lord Herschell) to inquire into working of the Metropolitan Board of Works.

1888. Mr. Ritchie's Local Government Act creates County Councils in England and Wales; abolishes the Metropolitan Board of Works, and substitutes for it the London County Council.

1889. Weights and Measures Act enacts that coal shall be sold by weight, and inflicts heavy penalties for offences, and otherwise amends Act of 1878.

1890. Housing of the Working Classes (1890) Act (Mr. Ritchie's) consolidates previous legislation, and gives important powers to central and local authorities.

1891. Public Health (London) Act (Mr. Ritchie's) establishes a sanitary code for London, and makes valuable changes in the law relating to the public health.

1894. London (Equalization of Rates) Act (Mr. Shaw Lefevre's Bill) relieves rates of poorer parishes at the expense of the richer parishes by imposing general rate of 6d. in the £ and redistributing fund so formed on the basis of population.

1894. Local Government Act of Sir H. Fowler establishes new franchise for election of Vestrymen and Guardians, abolishes property qualification for candidates, and *ex-officio* and nominated Guardians, and *ex-officio* chairmen of Vestries; institutes vote by ballot for these bodies, and gives local authorities option of adopting powers given to Parish Councils.

1894. Mr. Courtney's Commission on the amalgamation of the City and County of London publishes its report.

1899. London Government Act introduced in House of Commons by Mr. Balfour on February 28. Second Reading debate begins on March 21; Second Reading in House of Lords, Tuesday, June 20.

1900. County and Borough Franchise Assimilation (London) Act.

1900. November. The first elections of all Borough Councillors under the Act shall be held on the first day of November, 1900, or on such later day, as soon as practicable thereafter, as may be fixed by the Lord President of the Council, who shall also fix a corresponding date for the first elections of Mayor and Aldermen.

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